

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

WACO DIVISION

GORDON ROUNTREE
MOTORS, LTD.,
Plaintiff,

v.

MAZDA MOTOR OF AMERICA,
INC., d/b/a MAZDA NORTH
AMERICAN OPERATIONS,
et al.,
Defendants.

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CIVIL ACTION NO. W-06-CA-251

ORDER

This diversity action was originally filed in the 74th Judicial District Court of McLennan County, Texas and arises out of Plaintiff's attempts to open a Mazda dealership in Waco, Texas. The case was stayed pending the parties' resolution of issues before the Texas Department of Transportation, Motor Vehicle Division ("the Division"). After completion of the administrative proceedings, the Court lifted the stay and adopted the findings of fact and conclusions of law of the Division. Those findings and conclusions are dispositive of the issues in this case. Accordingly, it is

ORDERED that the Motion for Summary Judgment filed by Mazda (document #52) and the Motion for Summary Judgment filed by Ron Stach (document #53) are **GRANTED**. It is further

ORDERED that the Motion for Partial Summary Judgment filed by Plaintiff (document #55) is **DENIED**.

Defendants Denise Husak and John Melin were added to this case in Plaintiff's First Amended Complaint. However, it does not appear that these Defendants were ever served. Accordingly, it is

ORDERED that Plaintiff show cause within ten (10) days from the date of this Order why Defendants Denise Husak and John Melin should not be dismissed from this case as a result of not being timely served. Failure to respond will result in dismissal of these Defendants.

SIGNED this 21st day of January, 2011.



WALTER S. SMITH, JR.
United States District Judge